

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Golden State Storage and Recycling  
850 92nd Avenue, Suite 3  
Oakland, California 94603  
ID No.: CAL 000 286 713

Respondent.

Docket HWCA 20040661

CONSENT ORDER

Health and Safety Code  
Section 25187

The State Department of Toxic Substances Control (Department) and Golden State Storage and Recycling (Respondent) enter into this Consent Order and agree as follows:

1. Respondent is located at 850 92nd Avenue, Suite 3, Oakland, California (Site). Respondent, as handler of universal waste electronic devices (UWEDs) and cathode ray tube (CRT) materials, receives, generates, stores and/or treats UWEDs and CRT materials or sends the UWEDs or CRT materials to another handler. CRTs are often called "picture tubes", which convert an electronic signal into a visual image. "Electronic device" means any electronic device including, but not limited to, computers (CPU's), computer peripherals, telephones, answering machines, radios, stereo equipment, tape players/recorders, phonographs, video cassette players/recorders, compact disc players/recorders, calculators and some appliances.

2. The Department inspected the Site on August 26, 2004.

3. The Department alleges the following violations:

3.1. Respondent violated Cal. Code Regs., title 22, section 66273.83

(a)(1) in that on or about August 26, 2004, Respondent failed to manage CRT materials in containers or packages to prevent breakage, to wit:

a) Two CRTs were on the facility floor without any containment, in various locations designated specifically for the handling of CPUs only. Respondent was not aware of the CRTs in the area for CPUs only.

b) CRTs were observed with the panels face down at the loading/unloading area in front of the facility.

3.2. Respondent violated Cal. Code Regs., title 22, section 66273.85 in that on or about August 26, 2004, Respondent failed to demonstrate the length of time accumulated CRT materials have been stored, to wit:

a) No marking or labeling systems were in place for each CRT material items, containers or areas;

b) No on-site inventory system was being maintained to track individual CRT material items or CRT materials, groups, or CRT material containers;

c) No specific designated areas were being maintained to assist in tracking the accumulation time of the earliest CRT materials received;

d) No other methods were being used to track the accumulation date of CRT materials received.

3.3. Respondent violated Cal. Code Regs., title 22, section 66273.86 (a) and (b) in that on or about August 26, 2004, Respondent failed to provide training to employees who handle or have the responsibility for managing CRT materials.

a) Respondent's representative, Mr. Streeter, was not able to provide the Department with documentation that the required training for his employees had been provided.

3.4. Respondent violated Cal. Code Regs., title 22, section 66273.84 in that on or about August 26, 2004, Respondent failed to label or mark individual CRT materials or CRT material areas as required.

a) There was no CRT material labeling or marking system in place observed during the Department's inspection.

3.5. Respondent violated Cal. Code Regs., title 22, section 66273.89 (a) and (c) in that on or about August 26, 2004, Respondent did not have shipment records of CRTs and CRT devices observed at the site during the Department's inspection. Respondent's representative, Mr. Streeter did not have a record of: approximately nine (9) CRTs in a box from Santa Cruz; two (2) CRTs in a plastic bin; and CPUs observed outside the front entrance of the facility.

3.6. Respondent violated Cal. Code Regs., title 22, section 66273.33 (d)(2)(A) in that on or about July 7, 2004, Respondent failed to submit a notification to the Department that Respondent was a handler of universal waste electronic devices.

3.7. Respondent violated Cal. Code Regs., title 22, section 66273.33 (d)(3)(F)(1) (a) in that on or about July 7, 2004, Respondent failed to submit a notification to the Department that Respondent was a Dismantler of universal waste electronic devices.

On February 7, 2005, Respondent faxed to the Department's Berkeley office a copy of a "Notice of Intent to Handle and Treat or Recycle UWEDs and CRT Materials". A "Notice of Intent to Handle and Treat or Recycle UWEDs and CRT Materials" containing all the required information for UWEDs and CRT material handlers was not submitted by the Respondent to the Department, by certified mail, with return receipt requested, as required.

On March 17, 2005, in a phone conversation with the Department's Ms. Luz Castillo, Respondent indicated its plans to convert its operation to "collection only" and not "treatment" of UWEDs and CRT materials. Respondent had previously

submitted a "Notice of Intent to Handle and Notice of Intent to Treat or Recycle" on August 31, 2004 and February 7, 2005. In addition, Respondent indicated its plans to move to another location. Ms. Castillo informed the Respondent of the requirement to submit, no later than 30 days after ceasing treatment, a letter notifying the Department of Respondent's intention to cease treatment of CRT materials and UWEDs in accordance with Cal. Code Regs., title 22, sections 66273.83 (d)(1)(A) and 66273.33(d)(3). Respondent was also required to submit a copy of a property owner notification informing the owner of the property that Respondent had been conducting hazardous waste treatment and recycling operations at the facility pursuant to Cal. Code Regs., title 22, Division 4.5. Chapter 23, Universal Waste Regulations.

3.8. Respondent violated Cal. Code Regs., title 22, section 66273.34 (d) and (d)(1) in that, on or about August 26, 2004, Respondent failed to label or mark each container or area in which UWEDs were contained. Respondent also failed to mark pallets upon which UWEDs were placed.

There were no CRT materials labeling or marking systems in-place observed during the Department's inspection.

3.9. Respondent violated Cal. Code Regs., title 22, section 66273.35 (c) (1) - (6) in that on or about August 26, 2004, Respondent failed to demonstrate the length of time accumulated universal wastes had been stored, to wit:

a) No marking or labeling systems were in place for each universal waste item, container or area;

b) No on-site inventory system was being maintained to track each universal waste item, whether in a groups or containers;

c) No specific designated area(s) was being maintained to assist in tracking the accumulation time of the universal waste received;

d) No other methods were being used to track the accumulation time of universal wastes received.

3.10. Respondent violated Cal. Code Regs., title 22, section 66273.39 (a) in that on or about August 26, 2004, Respondent did not have records of each shipment of universal waste received.

4. A dispute exists regarding the alleged violations.

5. The parties wish to avoid the expense of litigation and to ensure prompt compliance.

6. Jurisdiction exists pursuant to Health and Safety Code section 25187.

7. Respondent waives any right to a hearing in this matter.

8. This Consent Order shall constitute full settlement of the violations alleged above, but does not limit the Department from taking appropriate enforcement action concerning other violations.

9. By entering into this Consent Order, the Respondent does not admit any of the violations alleged above.

#### SCHEDULE FOR COMPLIANCE

10. Respondent shall comply with the following:

10.1.1. Based on its submittal to the Department dated September 10, 2004 (Submittal), Respondent has returned to compliance regarding violation 3.1., in that Respondent stated that all CRTs have been palletized and moved to a designated area.

10.1.2. In its Submittal, Respondent indicated that in order to demonstrate CRT accumulation time, Respondent has created a receiving log to inventory and record the initial arrival date of each item. A system to track accumulation time has also been put in place.

Based on its Submittal, the Respondent has returned to compliance regarding violation 3.2.

10.1.3. On February 14, 2005, Respondent submitted a training roster to demonstrate that CRT material handlers have been provided with the required training.

Respondent shall ensure that training records of employees who handle CRT materials and UWEDs are maintained at the Site and that employees shall take part in an annual review of the initial training. Furthermore, Respondent shall have records made available for inspection by local, state and federal agencies.

10.1.4. Respondent indicated that all pallets containing CRTs have been labeled and have been placed in an area as a unit instead of treating each material individually. According to the Respondent, areas have been sectioned off specifically for television and computer CRTs. On October 1, 2004, Respondent submitted to the Department via fax a Floor Plan with designated areas for storing, shipping and receiving CRT materials and UWEDs.

Based on its Submittal, the Respondent has returned to compliance regarding violation 3.4.

10.1.5. Based on its Submittal, Respondent indicated that shipping and receiving logbooks are now being used for CRTs coming in and going out.

Based on the information submitted, Respondent has returned to compliance on violation 3.5.

10.1.6. Respondent has returned to compliance on violation 3.6., in that on August 31, 2004, Respondent submitted to the Department, a "Notice of Intent to Handle CRT Materials and UWEDs."

10.1.7. Within 30 days of the effective date of this Order, Respondent shall submit to the Department a completed "Notice of Intent to Treat" with the following documentation attached: notification to property owner of Respondent's universal waste treatment and recycling operations at the facility; cost estimate of closing the facility; and financial assurance for closure and liability.

If the Respondent ceases treating UWEDs and CRT materials, Respondent shall submit no later than 30 days after ceasing treatment or recycling activities, a notification containing the following:

- a. The date of the last day on which the handler conducted treatment or recycling of UWEDS;
- b. The date of the last day on which the handler conducted UWEDs handling activities, if applicable;
- c. The date the UWEDs handler closed or vacated the facility, if applicable;
- d. The date when CRT material handler expects to complete CRT material treatment or recycling activities;
- e. The date when CRT material handler expects to complete CRT material handling activities at the facility, if applicable; and
- f. The date when the CRT material handler expects to close or vacate the facility.

Respondent shall submit the required notifications and/or letters to the Department, by certified mail, with return receipt requested to:

Department of Toxic Substances Control  
Hazardous Waste Management Program  
Regulatory Program Division  
P.O. Box 806  
Sacramento, California 95812-0806  
Attention: UWED/CRT Materials Handling Activities

10.1.8. Respondent has returned to compliance regarding violations 3.8., 3.9., and 3.10., based on Respondent's statement in its Submittal that pallets containing UWEDs have been tagged with: UWEDs markings; date of receipt and shippers' information; and the amount received. In addition, Respondent stated that a shipping and receiving logbook has been created to track UWEDs coming in or going out of the Respondent's warehouse.

10.2. Submittals: All submittals from Respondent pursuant to this Consent Order shall be sent to:

Ms. Luz Castillo  
Senior Hazardous Substances Scientist  
Statewide Compliance Division  
Department of Toxic Substances Control  
700 Heinz Avenue, Suite 200  
Berkeley, California 94710

10.3. Communications: All approvals and decisions of the Department made regarding such submittals and notifications shall be communicated to Respondent in writing by a Branch Chief, Department of Toxic Substances Control, or his/her designee. No informal advice, guidance, suggestions, or comments by the Department regarding reports, plans, specifications, schedules, or any other writings by Respondent shall be construed to relieve Respondent of its obligation to obtain such formal approvals as may be required.

10.4. Department Review and Approval: If the Department determines that any report, plan, schedule, or other document submitted for approval pursuant to this Consent Order fails to comply with the Order or fails to protect public health or safety or the environment, the Department may return the document to Respondent with recommended changes and a date by which Respondent must submit to the Department a revised document incorporating the recommended changes.

10.5. Compliance with Applicable Laws: Respondent shall carry out this Order in compliance with all local, State, and federal requirements, including but not limited to requirements to obtain permits and to assure worker safety.

10.6. Endangerment during Implementation: In the event that the Department determines that any circumstances or activity (whether or not pursued in compliance with this Consent Order) are creating an imminent or substantial endangerment to the health or welfare of people on the site or in the surrounding area



or to the environment, the Department may order Respondent to stop further implementation for such period of time as needed to abate the endangerment. Any deadline in this Consent Order directly affected by a Stop Work Order under this section shall be extended for the term of such Stop Work Order.

10.7. Liability: Nothing in this Consent Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Consent Order. Notwithstanding compliance with the terms of this Consent Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

10.8. Site Access: Access to the Site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any agency having jurisdiction. Nothing in this Consent Order is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law. The Department and its authorized representatives may enter and move freely about all property at the Site at all reasonable times for purposes including but not limited to: inspecting records, operating logs, and contracts relating to the Site; reviewing the progress of Respondent in carrying out the terms of this Consent Order; and conducting such tests as the Department may deem necessary. Respondent shall permit such persons to inspect and copy all records, documents, and other writings, including all sampling and monitoring data, in any way pertaining to work undertaken pursuant to this Consent Order.

10.9. Sampling, Data, and Document Availability: Respondent shall permit the Department and its authorized representatives to inspect and copy all sampling, testing, monitoring, and other data generated by Respondent or on Respondent's behalf in any way pertaining to work undertaken pursuant to this Consent Order. Respondent shall allow the Department and its authorized representatives to

take duplicates of any samples collected by Respondent pursuant to this Consent Order. Respondent shall maintain a central depository of the data, reports, and other documents prepared pursuant to this Consent Order. All such data, reports, and other documents shall be preserved by Respondent for a minimum of six years after the conclusion of all activities under this Consent Order. If the Department requests that some or all of these documents be preserved for a longer period of time, Respondent shall either comply with that request, deliver the documents to the Department, or permit the Department to copy the documents prior to destruction. Respondent shall notify the Department in writing at least six months prior to destroying any documents prepared pursuant to this Consent Order.

10.10. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties specified in paragraph 12.3, in carrying out activities pursuant to this Consent Order, nor shall the State of California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to this Consent Order.

10.11. Incorporation of Plans and Reports: All plans, schedules, and reports that require Department approval and are submitted by Respondent pursuant to this Consent Order are incorporated in this Consent Order upon approval by the Department.

10.12. Extension Requests: If Respondent is unable to perform any activity or submit any document within the time required under this Consent Order, the Respondent may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

10.13. Extension Approvals: If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

## PAYMENTS

11. Respondent shall pay the Department a total of **\$6,000** of which **\$ 2,000** is a penalty and **\$ 4,000** is reimbursement of the Department's costs. Respondent shall pay the sum of **\$ 6,000** in 8 quarterly payments beginning July 1, 2005 and continuing until April 1, 2007 as follows:

Date	Amount(\$)
July 1, 2005	750
October 1, 2005	750
January 1, 2006	750
April 1, 2006	750
July 1, 2006	750
October 1, 2006	750
January 1, 2007	750
April 1, 2007	750

Respondent's checks shall be made payable to Department of Toxic Substances Control, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control  
Accounting Office  
1001 I Street, 21st floor  
P. O. Box 806  
Sacramento, California 95812-0806

A photocopy of the check shall be sent:

To: Ms. Luz Castillo  
Hazardous Substances Scientist  
Statewide Compliance Division  
Department of Toxic Substances Control  
700 Heinz Avenue, Suite 200  
Berkeley, California 94710

11.1. If Respondent fails to pay any sum required to have been paid pursuant to paragraph 11 above, the remaining balance shall then be immediately due and owing, without further notice. Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code section 25360.1 and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

#### OTHER PROVISIONS

12.1. Additional Enforcement Actions: By agreeing to this Consent Order, the Department does not waive the right to take further enforcement actions, except to the extent provided in this Consent Order.

12.2. Penalties for Noncompliance: Failure to comply with the terms of this Consent Order may subject Respondent to civil penalties and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

12.3. Parties Bound: This Consent Order shall apply to and be binding upon Respondent and its officers, directors, agents, receivers, trustees, employees, contractors, consultants, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Consent Order.

12.4. Effective Date: The effective date of this Consent Order is the date it is signed by the Department.

12.5. Integration: This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this agreement.

12.6. Compliance with Waste Discharge Requirements: Respondent shall comply with all applicable waste discharge requirements issued by the State Water Resources Control Board or a California regional water quality control board.

Dated: May 16, 2005

Original Signed By Hayves Streeter  
Hayves Streeter, President  
Golden State Storage and Recycling

Dated: May 19, 2005

Original Signed By Luz Castillo  
Luz Castillo  
Senior Hazardous Substances Scientist  
Statewide Compliance Division  
Northern California Branch  
Department of Toxic Substances Control